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MESSAGE

OF HIS EXCELLENCY

JOHN E. RICKARDS, GOVERNOR

JANUARY, 1893.

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MESSAGE

OF

GOVERNOR JOHN E. RICKARDS

TO THE

Third Legislative Assembly

OF THE

STATE OF MONTANA.

JANUARY 5, 1893.

W. J. MACHAFFIE.
STATE PRINTER.
1893.

STATE DOCUMENTS

Compliments of—

J. E. Richards,

Governor of Montana.

GOVERNOR'S MESSAGE.

Gentlemen of the Legislative Assembly of the State of Montana:

In pursuance of a duty imposed by our State Constitution, I have the honor to submit for your consideration the following suggestions respecting some of the more important questions which affect our young State.

Before proceeding to call your attention to affairs of State, I am sure you will indulge me in a few words personal. I very much appreciate the high honor which has come to me in being called to the exalted position of Chief Executive of this great State; and I want to express my grateful thanks and deepest gratitude to all who in any manner contributed to this result. I am not unmindful that to this honor grave responsibilities are attached, but relying upon the Ruler of Nations, who controls the destinies of all peoples, I confidently enter upon the discharge of my duties.

Your fellow citizens have conferred a great honor upon you in esteeming you worthy and competent to legislate for them. Every citizen is under obligation to serve his State faithfully, but more especially is this true of those who have been elected by the people to positions of trust and responsibility. Our State is now in its formative period, and the character of your legislation must tell for good or evil upon its future. Allow me to remind you that the manner in which we discharge the duties pertaining to this session of the Legislative Assembly is worthy of our most serious thought. Our constituency have entrusted to you the entire responsibility of the legislative department, and I shall leave it there. If, however, I have occasion to differ

For State Officers (appointive)	20,600
For State Boards and Institutions	222,390
For Miscellaneous	41,200
Total	$451,360

REPORTS OF STATE AUDITOR AND STATE BOARD OF EQUALIZATION.

The report of the State Auditor for 1892 and the report of the State Board of Equalization will be submitted to you. They contain information of much value upon questions that directly concern you as lawmakers. The compilations have been made with care and can be studied with profit. They show the State has had a steady growth in nearly every line of business. The stock and agricultural industries have materially advanced. The wool clip for 1892 amounted to 10,180,791 pounds as compared with 7,784,007 two years ago—a gain of 2,396,784 pounds. The stock interests generally are in a prosperous condition. Dairying is receiving attention, 1,066,732 pounds of butter and cheese having been produced during the year. The wheat output reached 1,250,784 bushels. There are 9,330 ranches in the State, aggregating 2,640,056 acres, with 1,390 irrigating ditches, reaching a total of 3,245½ miles. Fruit growing is enlisting the efforts of farmers to no small degree, 13,212½ bushels of apples being placed to their credit for the year, besides a very creditable showing as to other fruits. Thousands of trees have been planted, and will in due time develop an important and profitable industry in the State. Notwithstanding the depression due to the low price of silver, the mining industry is in an excellent condition. I regret that there is no reliable data at hand which will enable me to correctly give the mineral output of the State, but I am satisfied from such information as I have been able to obtain that it is larger than in any preceding year. The Auditor's report places the total valuation of property at $129,456,942. Your attention is called to Exhibit "E."

ATTORNEY GENERAL'S REPORT.

The report of the Attorney General, covering the business of his office from November 9, 1889, up to December 1, 1892, will

be placed before you. He asks that provision be made for increased help in his office; see pages 33, 34. He also asks that a larger appropriation be made to his department; see page 34. On page 35 he calls attention to the neglect of certain County Commissioners to levy a "stock inspector and detective tax." His suggestions respecting this matter should receive your consideration. I also call your attention to certain changes in the registration law which he recommends,

THE REPORT OF THE ADJUTANT-GENERAL.

The Adjutant-General's report will be submitted with the other State Officers' reports. I heartily endorse all of his recommendations. I think a careful reading of this report will enlist your interest in our State Militia.

BOILER INSPECTOR.

The Boiler Inspector's report has been published and will be sent to you. You will notice in his report published January 1, 1892, that he calls attention to some amendments to the law governing his office, which he thinks should be made so as to give him the same authority over steam machinery that he now has over steam boilers. He promised to make such recommendations later, but he does not refer to the matter in his last report. I believe the primary motive which prompted the enactment of the present law was to protect the lives and limbs of those engaged in the hazardous employment of working around steam boilers and steam machinery; hence I call attention to his suggestion.

STATE BOARD OF MEDICAL EXAMINERS.

During the year 1892 the Board of Medical Examiners passed upon fifty applicants to practice medicine in this State. Of these, permanent certificates were issued to thirty-six, thirteen failed to pass the prescribed examination, and the case of one is still pending. The work of the Board shows that it is in every respect a protection to the interests of reputable physicians, and that the public is correspondingly benefited. To prevent incompetent physicians from endangering the lives of the people, and to prevent extortion for medical services rendered, are

efforts which should enlist the interest of all good citizens, and the serious consideration of lawmakers.

I am not sufficiently informed as to the current expenses of the Board of Examiners to recommend the appropriation of any specific sum for its maintenance: but it becomes your duty to make an allowance large enough to carry on the work satisfactorily.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

The report of the Superintendent of Public Instruction will be before you. It is instructive as showing the abiding interest of the people in our public school system. I wish especially to call your attention to what he says under the head of "Morals and Decency." Under the same head he said in his report of 1891: "Nearly all States in the Union have enactments upon their statute books relating to this subject." That I may emphasize the importance of this matter, I quote from the same report an extract which he copied from report of the Superintendent of Public Instruction of South Dakota: "Cases have been known in the State where no privy had been provided, and very frequently only one for both sexes. It is common that the outbuildings are placed in proximity, with no effective barrier between them. Shall we wonder that impurity is increasing in society when people are absolutely lethargic regarding the relations of the sexes in the common schools? If we properly prize the virtue of our girls and the manliness and purity of our boys, these things will receive our attention. It is prudishness that smacks strongly of ignorance and incapacity that will prevent a teacher giving due attention to the condition of the schools and school grounds, relative to the relation of the sexes. Pure men and women will only come from pure homes and pure schools."

I earnestly recommend that you enact a law making it the duty of School Trustees to provide good accommodations along the line here suggested.

REPORTS OF STATE OFFICERS.

All State Officers are required by the Constitution to make full and complete reports of their official transactions to the Governor at least twenty days preceding each regular session

of the Legislative Assembly. The Governor is required to transmit these reports to the Legislature, together with "estimates of the amount of money required to be raised by taxation for all purposes of State," and to recommend such measures as may be deemed expedient.

The practical value of these reports to the officer to whom they are made is often lessened, if not wholly destroyed, by delay in printing, or for other causes, which prevent the use of the data which they contain in recommending legislation.

Provision should be made for publishing these reports at an earlier date, so that all the information they contain may be made available for the purpose intended. I have had no opportunity to examine a number of important reports for the reasons named, and have therefore refrained from making certain recommendations to which your attention would otherwise have been called.

UNITED STATES SENATOR.

Among your more important duties will be the election of one of your fellow-citizens to represent Montana in the United States Senate. I indulge the hope that in your wisdom you may elect one who will reflect credit alike upon you and the State.

PERMANENT STATE CAPITAL.

At the Next general election, to be held in November, 1894, the location of a permanent State Capital will be submitted to the people, as provided for in an Act passed by the last Legislative Assembly, and approved March 6, 1891. The result of the recent election leaves the choice between Helena and Anaconda. It is important that you make provision for all possible contingencies; should the choice fall upon Anaconda, the result would not be officially known until within about two weeks of the assembling of the Legislature. In that event the time will be so short as to greatly inconvenience all State officers unless you enact a law clothing some one with authority to make necessary arrangements, as there is now no law that I am familiar with, giving any one such authority. This is very important,

as under the Constitution the Legislature cannot meet at any place except at the "seat of government."

STATE AND EDUCATIONAL INSTITUTIONS.

In my opinion, one of the most important duties will be that of locating State and Educational Institutions. Shall the latter be grouped or located seperately, is a question now agitating our people. I believe you will give the subject your careful thought, and act from a desire to best serve the future interests of the State. However, I feel I would be derelict in my duty if I did not urge upon you the necessity of taking such action as will determine where the various State Institutions are to be located. It is my judgment, that all interests demand an early settlement of this matter. We are looking for and inviting outside capital to our State; the fact that none of our State Institutions have yet been located impresses capitalists unfavorably.

The lands donated to Montana by the United States are now being selected from the public domain and will soon be available for the purposes named. Aside from the University lands, already selected, 622,000 acres are donated for the following uses:

For a School of Mines	100,000	acres
For State Normal Schools	100,000	"
For Agricultural Colleges	140,000	"
For Deaf and Dumb Asylums	50,000	"
For State Reform Schools	50,000	"
For Public Buildings	182,000	"

An Agricultural College must be established in accordance with an act of Congress approved July 2nd, 1863, in order to avail ourselves of the appropriation made in the Act of August 30th, 1890. Under the provision of this Act the sum of $15,000 per annum, for ten years, is appropriated to each State and Territory, and the sum of $25,000 per annum is thereafter to be applied to instruction in agriculture, the various branches in mathematics, physics, natural and economic science, the English language and mechanic arts. It requires no argument to show the losses which the State is sustaining through our neglect to locate this institution.

ORPHANS' HOME.

In my judgment, provision should be made for a State Orphans' Home. The condition of these unfortunate children appeals to the generous side of every man's nature, and the fostering care of the State is demanded. The strongest evidence of our Nation's high civilization is the interest our people manifest in caring for the afflicted. Every manly man freely responds to the appeal of his State for the support of elemosynary institutions.

I am informed that the promoters of an orphanage in the County of Silver Bow offer to donate their property, comprising 160 acres of land with all the improvements, for a State Asylum, provided it is deemed best to establish such an institution. I recommend the consideration of proffers of this character, which may come from different counties in the State, while the question of creating an institution of this kind is pending.

NEW COUNTIES.

The creation of new counties is incidental to the growth of the State. The area of many of our counties is so great that the cost of maintaining local government is a burden upon the tax-payers. Judicial proceedings involve an enormous outlay of money when jurors and witnesses are compelled to travel from one hundred to four hundred miles to reach the county seat. To invoke justice under such conditions is to invite bankruptcy to the litigants, in civil cases, or add to the burden of taxation in criminal cases. The trend of public sentiment is toward the sub-division of our larger counties, whenever it appears that the valuation and population of the proposed new county will justify the step.

But every proposition of this character should be approached with extreme care. The interests of rival towns, and the ambitions of would-be office-holders, should not deflect the attention of legislators from the rugged merits of the case. While the area of Montana warrants the prediction that the growth of population will soon double the number of counties in the State, conservative action by the Legislature in this regard will, at all times, conserve the best interests of the commonwealth.

REFORM SCHOOL.

All experience teaches the necessity of maintaining State Reform Schools. The Federal Government recognized this in donating to our State 50,000 acres of land as an endowment fund for such an institution. It is a cause for profound regret that very often our courts are called upon to sentence those who are under the age of majority. That such offenders should be punished in like manner as those who are older, and practically placed under the daily tuition of those who are graduates in crime by being incarcerated with them, does violence to every one's sense of justice. From the standpoint of decency, humanity, due regard for the morals of society, from an economic standpoint, indeed, from every consideration, we are impelled to make such provision for the youthful criminal as will, while restraining him of his liberty, set to work influences which may result in his reformation. The twofold purpose of our penal laws is the punishment of crime and the reformation of the criminal. Now, every one who has given the subject any thought and investigation, knows that the reformation of the youthful offender is made impossible when he is compelled to associate day and night with those who are hardened in every form of vice.

One of our learned and honorable judges, writing to me on this subject, says: "Judges and jurors are often times loth to send young persons to the penitentiary for crimes committed, knowing as they do, that the result is to blight their lives, and sometime young criminals are acquitted of crimes and turned loose upon a community, and the law evaded. Then, too, the culprit, emboldened by his seeming good luck in escaping the clutches of the law, becomes more daring and rushes into still greater crimes. But the more serious aspect of the case is in the fact that too many heedless young persons of both sexes, deprived of the moral training and better influences so necessary in early life, are apt to be led astray, and if convicted of a crime and thrown among the criminal classes, become more indifferent to the obligations of society, less jealous of their own good name and more easily influenced for the bad."

To reclaim these young unfortunates is a noble work and appeals to the best effort of heart and mind of the statesman who

wants most to serve humanity and the State. I hope you can see your way clear to take some action looking to the separation of the youths and less hardened criminals from old offenders. If you conclude to establish a Reform School, it is my opinion that it should be located in an agricultural community, where it could be made partly self-sustaining.

Another of our most honored judges says on this point: "It should be a strictly educational and industrial school." Quoting him again, he says; "The District Courts should have exclusive original jurisdiction and the only right to commit to this school."

STATE EXAMINERS.

My honorable predecessor called the attention of the last Legislative Assembly to the importance of providing for a State Examiner, but no action was taken. Our Constitution says: "The Legislative Assembly shall provide for a State Examiner." See Article VII., Section 8. This matter, in my judgment, is of great importance and I earnestly ask, in the interest of good government and thorough business principles, that you create this office and define the duties pertaining thereto. The State Examiner should be clothed with power and authority to examine the books at least once a year, and oftener if necessary, of such State and County officers as in your judgment the interest of the State may require. He should have authority to introduce a uniform system of book-keeping and power to compel all State officers and State institutions to conform their book-keeping to this general system. These duties are such as to demand a high order of ability, and I hope you will fix the salary at such a figure as to command the services of a capable man. It is a common fault of Legislatures in the creation of public offices to allow such small salaries as to make it practically impossible to secure efficient men. The temptation is strong to attempt to make a reputation for economy. While economy should be practiced in every department of the State, yet when it is done at the expense of the service it smacks of demagogism.

GREAT SEAL.

I call your attention to the need of a State seal. It is unbecoming the dignity of our State to longer use the old Territorial Seal.

STATE BOUNDARIES.

There should be no further delay in officially determining the boundaries of the State of Montana. Our northern boundary has been surveyed and its position exactly fixed by the monuments established by the American-British Boundary Line Commission; our eastern boundary and the Montana-Wyoming line have been located under the authority of the General Land Office. But there still remains to be established the western and southwestern boundary of Montana, separating us from Idaho.

In the northwestern portion of the State, on the Kootenai river, and in the country adjacent thereto, there is a present and prospective activity in mining which gives promise of a large population in the near future. Vexatious questions have already arisen as to whether claims to be officially surveyed belong to Idaho or Montana, and as to which State should order the surveys made. The permanent growth of that section is largely dependent upon the official establishment of the boundary line, and the interests of Montana demand an early settlement of the question.

I therefore recommend that the Legislature take steps to secure the co-operation of Idaho in locating our common boundary line.

PUBLIC LANDS.

Seventy-two sections of public land were donated to the Territory of Montana for university purposes by the United States in 1881, of which 45,226 acres were selected during the two years following. Another grant of 622,000 acres was made by the Federal Government in the act providing for the admission of Montana into the Union, making a grand total of 668,080 acres of public lands donated to us for the purposes set forth in the act.

A law passed by the State Legislature and approved March 6, 1891, provided for the selection and conveyance of school and

indemnity lands, as well as those donated by the United States for various public buildings and institutions. The Governor was authorized to appoint, by and with the consent of the State Board of Land Commissioners, a State Land Agent, who should be empowered to select these lands under the rules prescribed by the Secretary of the Interior.

The report of the State Board of Land Commissioners for 1892 shows a total selection of 128,823.51 acres, leaving less than 500,000 acres yet to be selected. It is believed that the timber lands in the Flathead valley will furnish 150,000 acres, while the balance will "have to be taken from vacant lands wherever they may be found." A selection of nearly 19,000 acres, filed in the land office at Missoula, was rejected by the United States land officers. Concerning this the State Board says:

"While there is some foundation for the claims of the land officers, we are not satisfied that they are right in rejecting the selections, and in order that the interests of the State should be protected to the fullest extent, we have appealed to the Commissioner of the General Land Office. Should the decision be affirmed, we anticipate no difficulty in securing such legislation from Congress as will confirm the right of the State to the said lands."

Although the rush of settlers to the more favored portions of the State greatly interfered with the selection of valuable public lands under the grant, it is believed that the full number of acres to which the State is entitled can be secured in the near future. With the State will rest the problem of the profitable control of these lands.

Several important changes in existing laws will be necessary to secure the best results. During the past year the cost of appraisals in four (4) counties reached the sum of $5,892.21. It has been found necessary for the Board of Land Commissioners to increase the per diem allowed appraisers under the law, in order to have the work done. As the State Land Agent makes all selections from personal inspection, he should be authorized to make appraisements without additional expense to the State.

Laws governing the leasing of State lands require revision. The rights of the lessee on lands other than grazing lands should

be clearly defined. Penalties should be prescribed for those who remain in possession of State lands after having been notified that such lands have been appraised and are subject to lease.

Legislation is also required to give effect to the constitutional provision authorizing the sale of timber on State lands.

The magnitude of the landed interests of the State impels me to urge upon you the necessity of taking such steps as will strengthen and aid the State Board of Land Commissioners in their efforts to protect our heritage from the greed of trespassers. These splendid donations to the educational interests of the State are menaced by selfish and designing men, and it becomes our sacred duty to protect the rights of the State by every means within our power. No question presses more seriously upon your attention than the careful guarding of the public good by the protection of our public lands. In this connection, I call your attention to the able report of the Board of Land Commissioners, which will be placed on your desks. It will repay a careful reading. I regard their recommendation on page 36, under the heading of "Register of State Land Office," as especially worthy of your thoughtful consideration.

MINERAL LANDS.

In 1864 Congress passed an act granting aid, in land, to construct the Northern Pacific Railway from Duluth, Minnesota, to tide water on the coast of the Pacific Ocean. This endowment gave to the railway company, in Montana, every alternate section of land, not mineral, in an area eighty miles wide and 700 miles long; and a further area twenty-five miles in width and 700 miles in length, as indemnity for land found to be mineral or lands to which it was ascertained that private rights or previous reservation had attached.

The construction of the road through Montana was completed September 8, 1883; to-day we find a railway traversing the length of our State, seeking a judicial perversion of the plain meaning of the act of Congress, and by technical construction making every effort to wrongfully obtain patent to about 3,000,000 acres of the mineral lands of the State.

Failing in the effort to secure from the Land Department of

the United States patent to the mineral lands exempted by act of Congress from its grant, the railway company resorted to the courts, seeking to obtain favorable legal construction.

At the same time the people of Montana applied to Congress for the classification of their lands, and a determination by authority of law of what constitutes the reserved mineral lands.

There is now before Congress a measure, generally known as the Mineral Land Classification Bill, which has for its object the separation of the mineral lands excluded from the grant, and giving to the Northern Pacific Railway only those lands contemplated in the act of Congress.

A case is pending in the Supreme Court, entitled R. P. Barden et al. vs. The Northern Pacific Railway Company, in which that corporation is seeking to anticipate legislation favorable to the people of Montana by establishing the judicial point that the company is entitled to all the odd numbered sections of land within its grant not known to be mineral at the time of its definite location in 1872. If successful in its effort, a majority of all our developed mines may fall into the hands of the Northern Pacific Railway Company, as well as those yet undiscovered.

Under existing conditions it becomes the duty of this Legislature to take such prompt and effective steps as will best protect the people of this State from a threatened calamity. The legislation of the past, relative to the preservation of our mineral lands, has been more fruitful of earnest efforts than of practical results.

The annual report of the Mineral Land Commissioner will be placed before you. It is an exhaustive presentation of the case of the people against the Northern Pacific Railway Company, in the efforts of the people of Montana and other mineral producing states to resist the unjust claims of the company, that all lands not known to be mineral at the time of the land grant belong to that corporation. The record of the efforts of the commissioner to secure favorable legislation to our people by Congress is of great interest, and is well worthy your careful perusal.

IMMIGRATION.

The marvellous possibilities of Montana will be fully realized

only through the inspiration of numbers, which we can easily secure through wise legislation encouraging immigration.

The multiplication of farms will bring to our State every advantage to be derived from numbers, with none of the dangers of an over crowded population, reaching beyond the limits of self-support. No State less favored than Montana could sustain the drain now imposed upon our financial resources in sending abroad for farm products which should be marketed from the idle acreage of our valleys and plains. Vast sums of money which should circulate in the channels of our local business life go elsewhere for products which could be grown more cheaply at our very doors.

Upon the reclamation of our arid lands must largely depend a substantial increase of population. With nearly one million acres of land brought into productiveness, an hundred thousand immigrants would add their energies to the industrial life of Montana, enhancing the value of real and personal property, enlarging the volume of business and increasing the revenues of the State. To encourage immigration for the development of our agricultural resources the first important step to be taken is to make the creation of new communities possible by the irrigation of our arid lands.

IRRIGATION.

Nature has supplemented Montana's mineral wealth with vast areas of fertile soil, which need only the beneficial influences of our mountain streams to enable this State to add to its population many thousands of industrious citizens.

Limited experiments in various portions of the State justify every encouragement that can be given laudable irrigation projects within the limits of the Constitution. The potential possibilities of our arid lands have been demonstrated and yields of cereals have been secured unexcelled in quality and quantity. It remains only for these lands to be properly prepared for the plow, to assure to the state a vast agricultural population.

It is evident that the magnitude of this undertaking makes impossible the irrigation of any considerable acreage through private capital. The work must be carried on in large systems, with reservoirs, catchment basins and canals, the construction of which involves the investment of vast sums of

money. Private corporations can be relied upon only for the performance of such work as gives promise of prompt returns. For the comprehensive and conservative use of the waters of our streams in reclaiming our arid lands some government agency must be enlisted. The State Irrigation Congress, which convened at Helena January 7, 1892, adopted the following resolution:

Resolved, That in the judgment of this Convention it is the duty of the General Government to aid in the development of the arid lands in the several States and Territories where such lands exist; and while we do not deem it desirable that the control and title to such lands should pass from the General Government to the several States containing them, we do nevertheless urge that at least the proceeds arising from the sale of such lands shall be applied to the supplying of water for their development for the purpose of agriculture, and we urge our Senators and Representatives in Congress to use every effort to accomplish such legislation as will bring about this desirable result, not only for our State, but for all other States and Territories similarly situated.

I heartily concur in the aims and purposes of this resolution, and recommend that this body memoralize Congress to take such action as may be deemed necessary to bring about the desired result.

While legislation should deal liberally with a question of such supreme importance to the future of the State, too many safeguards cannot be thrown around the rights of the citizens, or too ample protection be given the settler who is dependent upon irrigation systems. Corporations encouraged by legislation to push forward irrigation schemes, should not be permitted to absorb the public domain, on the one hand, or the income of the settler on the other. The charges made by companies owning ditches and canals should be regulated by law.

FOREST AND PRAIRIE FIRES.

Every one who travels much over the State must be impressed with the great loss we annually suffer from forest and prairie fires. Ex-Governor Toole said, in his last message, on this subject: "I am of the opinion that nothing could be done

more conducive to this end than the passage of a law by which railroad companies operating in the State should be compelled to burn their right of way annually, and thus prevent a spread of fire originating not infrequently from sparks from their engines and the cleaning of fire boxes."

I most heartily endorse that suggestion. It would entail but little labor upon the railroad companies and certainly would in the end redound to their profit.

Efforts should be made, through vigorous legislation, to protect our forests from denudation by timber thieves. Federal supervision seems inadequate to wholly check these onslaughts upon our forests, and should be supplemented by active measures on the part of the State.

VIOLATION OF GAME AND FISH LAWS.

Complaint has been made to me of the gross violation of our game and fish laws. The large quantity of trout which is often found in the markets of our larger towns and cities is convincing evidence of the truthfulness of the complaints. Then, too, countless thousands of young fish are annually destroyed through the carelessness of those having in charge the many irrigation ditches which tap our mountain streams, by not protecting the head of their ditches with wire screens.

The use of giant powder and other explosives in our streams is forbidden, but the law is frequently disobeyed. The perpetrators should be detected and severely punished.

The wanton slaughter of deer and elk for their skins and antlers should be strictly prohibited. I think the season for lawfully killing this game should be made shorter. In this connection I deem it pertinent to say that the Indians who roam over the State are not granted any more privileges under the law than are the taxpayers, but as a matter of fact they violate the law with impunity. Can we not provide for the apprehension and punishment of all offenders?

Some States have found it necessary to appoint officers whose duty it is to enforce similar laws. I can not see my way clear to recommend such action on your part, owing to the very many demands upon our treasury, but I express the hope that you may be able to so amend our present law as to make it more

effective. If something is not done along this line our mountain game will soon become extinct, and we shall also have to incur the expense of restocking our streams. So young a State as Colorado has already been obliged to spend large sums for that purpose; the same processes at work here have resulted in cleaning out their streams.

THE SUPREME COURT.

Article VIII, Section 5, of the Constitution confers upon the Legislature power to increase the number of Justices of the Supreme Court to five. The conditions of statehood imposes upon our courts additional burdens, and the volume of litigation will necessarily increase with the population and development of the State. With our industrial and commercial growth, and with activity in utilizing the resources of this favored region, many new questions for the arbitrament of the court of last resort will arise, requiring prompt as well as careful consideration. In the opinion of many eminent in the profession of law and familiar with the duties and obligations resting upon the Supreme Court, the increase referred to is deemed essential to the welfare of the State. To protect litigants from vexatious and costly delays will best serve the ends of justice and promote the welfare of the people.

LABOR.

Montana is indebted for its prosperity not only to the lavishness of Nature, the hardy pioneers who discovered her treasures, and the generous investment of capital, but also to the faithful efforts of those who toil. Nature, though generous, is reluctant to give up her stores of wealth, and her riches are only to be secured by incessant labor. In the future, as in the past, Montana must depend upon its great industrial army for its peerless position as a wealth producer. Laws which enlarge the opportunities of labor and increase the facilities of the workingman for self-culture and beneficial recreation will reflect the enlightened sentiment of the State. Upon the prosperity of labor rests the prosperity of the commonwealth.

COMMISSIONER OF LABOR.

Our Constitution says you may "provide for a bureau of agriculture, labor and industry, to be located at the capital, and be

under the control of a commissioner." I recommend the creation of this office, to the end that such authentic information as will be valuable in advertising the resources of the State may be collected. All of us, I am sure, have unbounded faith in the possibilities of our great State. We who are residents know of the wonderful fertility of the soil; of the profits from our herds of cattle, sheep and horses; we know our mineral wealth to be far beyond that of any State in the Union. We never weary of singing Montana's praises, for after we have exhausted our stock of adjectives we can truthfully say, "the half hath not been told." I hope we may soon be able to provide for a systematic method of advertising the resources of Montana; and when we do, we shall need to be fortified with an array of statistics which have been collected in a thorough and methodical manner, bearing the stamp of official authority. The information collated by such an officer would also prove invaluable to the intelligent legislator.

PINKERTON FORCES.

Article III, Section 31, of our Constitution is as follows: "No armed person or persons or armed body of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the Legislative Assembly or of the Governor when the Legislative Assembly can not be convened."

The political party which honored me with the nomination for the office to which the people have since elected me, in convention assembled pledged itself to use its best efforts, through proper legislation, to enforce the above mentioned provision. I feel in honor bound, and the more so because in entire harmony with my sentiments, to call your attention to the fact that this provision is not self-executing, and needs legislation to give it force. I hope you will give the subject your early attention.

THE PENITENTIARY.

I have no data at hand showing the comparative cost of maintaining the Penitentiary under the contract system of caring for criminals with that under direct State control. From a business standpoint I argue that no one would enter into con-

tract with the State to care for its criminals unless there was a large profit to be made. I believe there is such profit, and that we can save it to the State under good business management. Economy, however, in caring for criminals is not the only demand made by society. Humanitarian principles should at all times enter into the calculations of the commonwealth in considering the management of State prisons. For we must not forget that it is our duty to try to awaken moral ambitions and higher purposes in these men, and such an awakening is more likely to be brought about when the management is in the hands of the State. I set it down as a principle that the State should have direct control of all State institutions when supported from the public treasury; and that this practice should never be deviated from, except in the event of some such unfortunate exigency as that which made our present course a necessity.

I therefore recommend that the Penitentiary be placed under the direct management of a Warden, and that an appropriation adequate to meet the requirements of that institution be made. Whatever your conclusions as to the best method of management, there is one question where there is no room for a difference of opinion, namely: the absolute necessity for enlarged quarters; as the present over-crowded condition of the Penitentiary is contrary to every principle laid down for the government of prisons.

THE INSANE.

I have been unable to obtain information relative to the insane, such as would warrant me in making any recommendations concerning them at this time. Later in the session I will communicate to you any suggestions I may deem it necessary to make.

PURITY OF THE BALLOT.

I want to say, with all the emphasis at my command, that questions affecting the purity of the ballot and the integrity of our elections demand our best thought and most conscientious work. The perpetuity of our Government depends upon the purity of its source—the people. Nothing to-day so much tends to corrupt the public conscience as bribery—bribery in almost every conceiv-

able form. Thoughtful and loyal men must view with alarm the prevalence of venal voting. Every man who loves his country demands an honest ballot and an honest count, yielding gracefully to the public will, honestly expressed at the polls. All good citizens look with contempt upon the bribe-taker, but are apt to condone the offence of the bribegiver; this is wrong, there is but one safe place, the penitentiary, for the bribe-giver; and he who through intimidation interferes with a free and secret ballot is almost as great a criminal.

It is at all times the duty of legislative bodies to vigorously protect the electoral rights of the citizen. I can conceive of no more effective method to accomplish this end than to make vote-buying, fraudulent voting and the misconduct of election officers experiments too dangerous to invite the misdirected energies of dishonest men.

I recommend to your earnest consideration the adoption of rigorous measures for the detection and severe punishment of frauds upon the ballot, regardless of the disguises in which they may appear. Bribery will no longer be practiced when it ceases to be profitable, and this result will be attained when the man who would control elections by speculating upon the moral delinquencies of others realizes that in taking such desperate chances he risks his personal liberty and invites public disgrace.

With bribery practically stamped out, with the duties of election officers more specifically defined and the prescribing of more severe penalties for their neglect, with such changes in the election laws as will actually as well as theoretically, guarantee to the voter absolute secrecy in casting his ballot, we may rest assured of having honest elections, expressive of the public will, and the day will have dawned when vexatious controversies will cease to tarnish the fair fame of the State.

REGISTRATION.-

Experience has demonstrated the benefits of the registration law, although it can with profit to the State be amended so as to remedy several apparent defects. In compelling a large per cent of our citizens to travel long distances to register, at no inconsiderable outlay of time and money, the law works an evident injustice. It should be made less of a burden to the ranchman, the stockman and the prospector, while affording the

protection of a complete and thorough registration. While a registration law promotive of the purity of elections should be maintained, such a law should in no case operate as a special burden upon those residing in isolated sections of the State. A few of the more important points which should be considered are as follows:

First, Registry agents should be required to sit within each and every voting precinct within their districts, at some convenient point, giving ample notice of such sitting. This will remove the just cause of complaint now made by those compelled to travel long distances to register.

Second, Registration should continue to within a few days of election, allowing only the necessary time to print, revise and post the lists.

Third, The powers of the County Commissioners in establishing registration districts and voting precincts should be more rigidly defined. No one can complain if these officers are removed as far as possible from the suspicion of being controlled by partisan or other unworthy motives.

Fourth, Some changes must, in all fairness, be made in the clauses regulating the registration of those who become citizens just a few days preceeding the election. This clause as it now stands, taken in connection with the clause closing registration October 15, practically disfranchises many newly made citizens and those who reach their majority after that date.

Fifth, The clauses permitting one to vote under certificate should be amended so that when a voter surrenders his certificate to the judges of election, the judges should be compelled to return it with the poll books.

THE AUSTRALIAN LAW.

As a means of securing independency to the voter, and freedom from corrupting influences at the polls, the Australian law has appealed to popular favor, and has met approval in many states. Vote buying and intimidation have been greatly checked through the operation of this system, yet all must admit that human ingenuity can defeat the purposes of any law, however carefully framed. Endorsed as the best device ever suggested to preserve the purity of elections, it becomes our duty to make

evasions of the Australian law as difficult as possible. Successful efforts have been made in various states to attain this end by simplifying the system, while maintaining the essential element of secrecy. As the purpose of the law is, first, to enable the voter to cast his vote in privacy, uninfluenced by his employer or others who might seek to control his action; and, second, to prevent the unprincipled voter from giving any evidence or assurance that he had carried out any terms of a bargain made in advance, the necessity for amending our present law becomes apparent.

I would recommend such changes in the ballot as will place the name of party candidates in separate columns, and thus enable the voter, with one mark, to vote his entire party ticket, if he so desires; at the same time leaving him the privilege of marking it in detail, as at present. I would eliminate those features which make possible the collusion of the judges of election with interested parties. The use of printed cards and sample ballots, in many localities, leads to the open violation of the essential principle of the law, by enabling the judges to keep a close check on the action of the voter. The remedy for this lies in drawing the cloak of secrecy still closer around the voter. Under no circumstances or conditions (except blindness or other physical disability) should the judges be permitted to mark a ballot, or become in any way a party to the action of the voter, either with or without his consent. The simplification of the ballot, as suggested, will render it a matter of comparative ease for the most illiterate voter to mark his ballot. Not only should the voter be compelled to mark his own ballot, but it should be made a crime for any judge or other officer of election to seek to ascertain what the voter's action has been.

THE GOVERNOR'S SUCCESSOR.

Article VII, section 16, of our Constitution reads as follows: "In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony or infamous crime, or disqualification from any cause, of both the Governor and Lieutenant-Governor, the duties of the Governor shall devolve upon the president pro tempore of the Senate, until such disqualification of either the Governor or Lieutenant-

Governor be removed, or the vacancy filled, and if the president pro tempore of the Senate, for any of the above-named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House."

In Article V., section 6, we find the following sentence: "The term of service of the members thereof [the Legislative Assembly] shall begin the next day after their election, until otherwise provided by law."

As we have not had any legislative enactment on this subject, the constitutional provision still stands. Hence, it is clear that the term of office of the President pro tempore of the Senate and the Speaker of the House expires the day after their respective successors are elected. And, when it happens, as it did in the recent election, that both are succeeded, there is evidently a vacancy in both offices. In such an event the query arises, upon whom would the duties of Governor devolve, should both he and the Lieutenant-Governor be absent from the State, or if both of them for any reason be disqualified? I deem this of so much importance as to merit your consideration. It now appears to me that the shortest and most direct way of providing for such an emergency would be to enact that the term of service of the members of the Legislative Assembly shall not expire until the day their successors convene in regular biennial session. In fact, this seems to me the most natural and practical term of service.

THE NATIONAL GUARD.

I feel a deep interest in the maintenance and prosperity of our National Guard. I believe in them and shall always be proud to champion their cause. I do not deem it necessary to go into any extended argument to convince you of the great importance of this department; its necessity is conceded by all intelligent statesmen. Our constitution says the State shall maintain a State militia, and makes it our duty to provide for its maintenance. The experience of older states teaches the wisdom and necessity of providing liberally for this branch of service. In its personnel we find the banker, the farmer, the miner, the mechanic and the professional man, thus representing all classes of our citizens, all actuated by an intense patriotism to serve the

State. Experience shows that no state can afford to neglect the militia; their services may be required when we least expect it. Let us be wise and extend such aid and encouragement in time of peace as to show our appreciation of their efforts to make themselves efficient, should the necessity arise for active service.

In what I have said I hope no will think I favor extravagance here more than in any other department, but realizing, as I do, something of the necessity for supporting an efficient State militia, I say unhesitatingly that our citizen soldiery deserves liberal treatment at your hands.

Our military code provides for an annual encampment, but none has been held since 1889, owing to the failure of the Legislature to make an appropriation for that purpose. The Adjutant General says in his report on this subject: "I believe it to be absolutely essential to the proper and successful conduct of the National Guard of the State, it being extremely difficult, if not actually impossible, to keep the men together and preserve the proper military spirit and discipline without such encampment."

Under an act of Congress providing for the disposition of the abandoned Fort Ellis reservation, the State Board of Land Commissioners filed on six hundred and forty (640) acres for a permanent militia camp ground. This is centrally located and easy of access. I do most earnestly recommend that you make such an appropriation as will insure an annual encampment.

SILVER.

The failure of Congress to legislate in the interests of the white metal, as demanded by the silver producing States, and to place it upon its proper footing, has injuriously affected the mining industry, and consequently all the industries of this State. Restless under the infliction of a wrong, it becomes the duty of every good citizen, regardless of his political affiliations, to seek to right it. To this end I would recommend that we memorialize Congress, praying for the early consideration of a free coinage bill, and further recommend the creation of a joint committee to prepare arguments and compile facts to sustain the position.

THE CODE.

I doubt if anything of so much importance will come before you as the consideration of the new Code, for it directly concerns every one of our constituents. I will not assume to be familiar with it, but I am acquainted with each member of the Code Commission, and risk nothing in saying that they are the peers of any in the knowledge of law, and are highly respected wherever known. I prefer to accept the work of such eminently qualified men than trust to my own judgment in this field of labor. I am not unmindful, however, that some objections are made to portions of the Code, and some of these objections are entitled to consideration. I must point out the danger of attempting to revise it before adoption, lest in the effort you destroy its harmony. It is my opinion that the safer and better way would be to adopt it as a whole, before any revision is attempted or any amendments are made. If you will carefully read the report of the Commission before taking any action you will be able to act more understandingly upon the Code.

WORLD'S COLUMBIAN EXPOSITION.

I am firmly convinced that the World's Columbian Exposition, to be opened in Chicago in a few months, will afford Montana the desired opportunity to make her marvelous resources known to the whole world. Practically at our very door will be gathered together the brightest representatives from every foreign nation, and millions of Americans. Many thousands of these people will be seeking a field for investment, and as many more seeking information to guide them in the selection of future homes in the great West.

It was the purpose of the last Legislature that our State should avail itself of so favorable an opportunity to place before the world convincing proofs of our claim that Montana is the most profitable field for capital and labor to be found in the entire Northwest. Hence an appropriation of $50,000 was made to meet expenses incident to the preliminary work. In the work already accomplished by the board of managers, in providing for a display creditable to the State, nearly all of the original appropriation has been expended. To utilize the investment made and to insure the success of the Montana exhibit, an additional

appropriation of a reasonable sum will be required. In placing but $50,000 at the disposal of the Board of managers to carry on a work of such magnitude, it was the evident intent of the former Legislature that their successors should supplement that appropriation with such additional sums as might be deemed necessary to the success of an undertaking the expenses of which could not be correctly estimated in advance.

The exhibits are now mostly in the hands of the Board, and they will with mute eloquence proclaim the unlimited wealth of our mines and the fertility of our soil. The minerals collected from the counties of Fergus, Meagher, Park, Cascade, Missoula, Silver Bow, Deer Lodge, Lewis and Clarke, Madison, Beaverhead, Jefferson and Choteau embrace nearly all the known varieties. They will call the attention of the world to the vast deposits of our minerals. The agricultural, horticultural and botanical exhibits will enlighten observers as to the productiveness of our soil, and will undoubtedly result in a large immigration to our State.

Colorado, Kansas and other states interested in attracting public attention to their resources, reaped unmeasured benefits from elaborate displays at the Centennial Exposition in 1876. I know that every dollar so spent came back fourfold in the settlement of vacant lands and the rapid growth of towns.

Montana's opportunity has now presented itself to duplicate those successes, and to establish a reputation throughout the world. I, therefore, recommend the appointment of a joint committee to confer with the Board of Managers, with a view of ascertaining what amount will be necessary to meet their requirements, and to assure Montana a creditable display. The reports of Hon. Stephen DeWolf, president of the Board, and that of Hon. Walter M. Bickford, executive commissioner, are now in the executive office, and will be transmitted to you.

Conclusion.

In conclusion, gentlemen, allow me to express the earnest wish that your deliberations during this session may be conducted with wisdom and harmony. I shall indulge the hope that at the close of the session you may return to your constituents with the proud satisfaction of having faithfully and conscientiously discharged every known duty.

OFFICIAL REPORT

OF THE

STATE TREASURER

FOR THE

YEAR 1892.

EXHIBIT "A."

	1st Qr.	2d Qr.	3d Qr.	4th Qr.	
Balance December 1, 1891					$ 63,356 38
Beaverhead Co	$ 8,3.9 83	$ 1,095 18	$ 718 18	$ 732 74	
Cascade Co	30,717 60	4,192 76	2,212 85	2,282 95	
Custer Co	13,886 32	964 60	678 42	741 86	
Choteau Co	11,938 72	1,329 86	752 16	634 41	
Dawson Co	7, 05 40	410 14	270 88	305 56	
Deer Lodge Co	25,972 83	6,026 09	5,026 20	4,889 52	
Fergus Co	9,995 32	986 66	469 46	631 05	
Gallatin Co	12,980 54	3,010 83	840 48	919 04	
Jefferson Co	10,549 58	1,543 51	968 99	991 30	
Lewis and Clarke Co	72,191 34	7,480 24	4,946 95	4,984 94	
Madison Co	7,812 90	753 83	456 01	500 78	
Meagher Co	9,594 82	4,569 01	1,260 49	777 12	
Missoula Co	21,806 33	5,545 90	3,414 72	4,000 32	
Park Co	13,079 41	2,394 61	1,688 97	1,775 35	
Silver Bow Co	51,411 81	11,389 80	6,635 37	7,661 02	
Yellowstone Co	9,041 65	872 22	652 13	820 81	
Secretary of State	1.383 60	1,909 40	1,362 90	2,219 75	
State Auditor	2,017 20	5,406 40	343 00	249 00	
Steam Boiler Inspector	834 80	950 00	1,400 00	1,200 00	
Clerk Supreme Court	605 40	430 20	789 40	640 60	
Escheated Estates		110 10		116 13	
School Fund	8,848 50	18,311 50	812 50	2,771 00	
University Fund		1,040 87	2,553 22	1,627 87	
Normal School Fund		421 00		112 00	
Public Building		1,752 00		688 00	
Refund Conley & McTague		4 25		5 00	
Income, Lease, Interest, Etc		2,073 75	2,022 00	2,281 32	
Historical Society	2 50				
Treasurer U. S			7,231 09		
J. B. Catlin, on warrant 3830				226 00	
Total Receipts	$ 330,836 40	$ 84,977 71	$ 47,506 37	$ 44,785 98	$ 508,106 46
Total					$ 571,462 84
By warrants paid	168,071 97	71,177 70	85,118 79	71,304 06	$ 396,975 52
By bonds bought	20,000 00			1,600 60	21,600 60
Cash on hand					152,886 72
					$571,462 84

EXHIBIT "B."

Comparative Statement of Increase and Decrease in Revenue for the Years 1891 and 1892.

	1891.	1892.	Increase.	Decrease.
Beaverhead County	$ 8,032 04	$ 11,986 12	$ 3,954 08	.....
Cascade "	22,990 31	40,127 47	17,137 16	.....
Custer "	11,611 87	21,603 98	9,992 11	.....
Chotean "	11,028 07	18,108 12	7,080 05	.....
Dawson "	5,546 95	11,673 17	6,126 22	.....
Deer Lodge "	29,936 03	43,083 49	13,147 16	.....
Fergus "	7,730 72	15,199 79	7,469 07	.....
Gallatin "	11,855 80	17,848 24	5,992 44	.....
Jefferson "	9,490 90	14,107 78	4,616 88	.....
Lewis and Clarke "	61,904 17	90,392 77	28,488 60	.....
Madison "	7,300 60	9,841 31	2,450 71	.....
Meagher "	9,765 49	18,404 28	8,638 79	.....
Missoula "	23,913 41	34,911 50	10,998 09	.....
Park "	13,353 71	20,325 70	6,971 99	.....
Silver Bow "	51,743 18	77,725 48	25,980 30	.....
Yellowstone "	6,556 10	11,404 18	4,848 08	.....
All other sources	38,452 28	51,365 08	12,912 80	.....
	$ 331,301 63	$ 508,106 46	$ 176,804 83	.....

EXHIBIT "C."

Sheep Inspector and Indemnity Fund.

	1st Qr.	2d Qr.	3d Qr.	4th Qr	
Balance December 1, 1891					$ 4,671 70
Received from Beaverhead Co.					
" Cascade Co.	$ 332 72				
" Custer Co.	166 24	$ 10 08	$ 8 06	$ 4 77	
" Choteau Co.	332 63	35 21	1 35		
" Dawson Co.	309 11	25 58		1 24	
" Deer Lodge Co.	139 14				
" Fergus Co.	1,086 97	11 63			
" Gallatin Co.	6 01	3 85			
" Jefferson Co.	11 25				
" Lewis & Clarke Co.	141 05	3 66			
" Madison Co.					
" Meagher Co.	638 31	315 98			
" Missoula Co.					
" Park Co.	367 36	12 17			
" Silver Bow Co.	11 59				
" Yellowstone	3 30	7 13			
Total Receipts	$ 3,446 01	$ 425 29	$ 9 41	$ 6 01	$ 3,886 72
					$ 8,558 42
Disbursements—					
Warrants paid			$ 144 65	$ 248 00	$ 392 65
Balance in fund Dec. 1, 1892					$ 8,165 77

EXHIBIT "D."

Balance in all Funds.

Escheated Estates	$ 29,922 26	
Income, Leases, Interest, Etc.	6,377 07	
University Fund	5,231 96	
Normal School Fund	536 00	
Public Building Fund	2,440 00	
State School Fund	31,261 45	
Cash in Unexpended Accounts	77,127 98	$ 152,886 72
Stock Inspector and Detective Fund		865 89
Stock Indemnity Fund		592 24
Sheep Inspector and Indemnity Fund		8,165 77
		$ 162,510 61

EXHIBIT "E."

Total Values of Property After Equalization by the Boards of County Commissioners of the Several Counties of the State for Fiscal Year Ending December 1, 1892.

Counties.	On City and Town Lots.	On Mining Claims.	On all Other Real Estate.	Improvements on City and Town Lots.	Improvements on Mining Claims.	Improvements on all Other Real Estate.	Money.	Personal Property Other than Money.	Railroads.	Total Valuation.
Beaverhead	$ 181,506	$ 9,242	$ 582,188	$ 223,325	$ 83,085	$ 239,354	$ 272,114	$ 1,294,345	$ 392,400	$ 3,280,559
Cascade	4,824,413	.....	3,318,763	1,077,950	.....	766,806	25,414	2,768,083	575,500	13,3 6,929
Choteau	149,324	.....	341,094	129,0.0	.....	343,618	88,448	3,503,306	1,528,260	6,083,060
Custer	188,976	.....	405,178	264,360	.....	84,830	128,991	5,384,797	409,374	6,926,506
Dawson	56,281	.....	124,563	71,125	.....	7,460	14,162	2,105,964	1,013,187	3,392,745
Deer Lodge	604,196	32,065	682,926	862,810	530,825	1,482,095	1,958,408	1,920,030	588,148	8,661,503
Fergus	89,140	.....	722,890	130,935	.....	442,870	18,665	3,156,680	.....	4,561,180
Gallatin	723,260	.....	1,919,470	689,600	.....	421,330	89,640	1,743,395	246,562	5,833,257
Jefferson	152,495	36,298	620,517	162,410	38,111	585,785	50,189	1,858,892	767,750	4,272,447
Lewis and Clarke	10,675,630	18,030	2,001,970	4,331,700	250,080	717,890	105,970	5,126,030	180,491	23,707,791
Madison	46,950	16,000	766,035	132,485	54,345	342,370	103,665	1,338,615	185,650	2,986,115
Meagher	741,965	31,125	1,130,699	317,680	22,800	421,685	39,025	2,756,160	144,301	5,605,440
Missoula	2,859,788	.....	1,263,863	782,881	.....	560,540	47,740	3,523,220	1,658,418	10,696,449
Park	899,744	.....	1,001,045	609,210	.....	378,080	42,950	2,015,784	462,060	5,408,873
Silver Bow	7,735,905	.....	216,593	3,794,325	.....	1,250,630	2,591,579	4,900,092	373,800	20,862,924
Yellowstone	307,936	.....	696,582	285,751	.....	179,767	25,995	1,863,445	461,628	3,821,104
Totals	$30,240,512	$142,760	$15,854,376	$13,865,556	$979,246	$8,225,110	$5,603,015	$45,258,838	$9,287,529	$129,456,942